IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 10786 of 1994

Between:

Mareboine Keshayya s/o Venkatramaiah

Aged 42 years, Occ: Agriculture, & Govt.Servant

R/o Miryalguda, Nalgonda District.

..... PETITIONER

AND

1. Mandal Revenue Officer, R/M Nidamanoor,Nalgonda Dist.

2. Kuncham Ramulu s/o Chandraiah aged 40 years,

3. Gongala China Venkaiah s/o Papaiah,aged 40 years.

4. Kanugula Parvathalu s/o Jangiah age 35 years,

5. Gangula Lingamma w/o Lingaiah, age 40 years,

6. Gangula lamma w/o Lingaiah, age 35 years,

7. Nagaboine Lingaiah s/o Gangaiah age 40 years

8. Pajjori Lalithamma w/o Sathaiah age 40 years.

9. Gangula Volamma w/o Venkaiah, age 44 years.

10. Govindu Narsamma w/o Balaiah, age 40 years.

11. Govindu Leelamma w/o Iddaiah age 24 years.

12. Gandikota Yadaiahs/o Venkaiah, age 40 years.

13. Podele Durgamma w/o Anthaiah, age 84 years

(All Occ:Agriculture, r/o Vallabhapoor Village

Nidamanoor R/M Nalgonda District.

R7 and 12 dismissed for default as per court

Order dated 21.9.1998

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records pertaining to file No.C1/2618/93 from the office of the respondent No.1 and may be pleased to quash the certificates dated 14.04.1994 issued by the first respondent in favour of the respondents 2 to 13 by issuing a writ or direction more particularly one in the nature of writ of certiorari or any other writ or direction declaring the act of the first respondent as illegal and without jurisdiction.

Counsel for the Petitioner: Mr.A.PULLA REDDY

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondents 2 to 6 and8 to 11 and 13: None appears.

The Court made the following:

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ORDER:

Heard Sri A. Pulla Reddy, learned counsel appearing for the petitioner and the learned Government Pleader appearing for the first respondent. Though notices served, none appears on behalf of the respondents 2 to 13.

The petitioner herein claiming to be the pattedar and absolute owner in respect of the land bearing Survey No. 163 admeasuring 11 acres, 35 guntas situated at Vellabhpur village, R/M Nidamanoor, Nalgonda District filed this Writ Petition, inter alia, challenging the proceedings in file No.C1/2618/1993 on the file of first respondent herein seeking to assail the said orders in favour of the respondents 2 to 13.

The case of the petitioner in brief is that the said land being a patta land wherein he has got absolute proprietary rights, the question of assigning the said land does not arise. Neither the said land acquired by the respondent No.1 nor the Government is the owner of the said land. Hence erroneously treating the said land is belonged to the Government, respondent no.1 is trying to assign the land in favour of the respondents 2 to 13. Hence, this Writ Petition.

No counter affidavit is filed in spite of granting several adjournments. Though, this case is filed as long back as on 15.6.1994 and Rule Nisi was issued, there is no response even after case is coming for final hearing. So this Court adjourned the matter from time to time on 15.04.2004, 30.04.2004, 17.06.2004 and finally on 25.07.2004. In spite of the same, no counter affidavit is forthcoming.

Having considered the submissions made and also perusal of the mater, it is seen that there cannot be any dispute with regard to the proprietary rights of the petitioner in respect of the said land. Across the Bar the petitioner has also shown pattedar passbook in respect of the very same land in his favour. So there is no semblance of any entries anywhere in the said passbook to show that the said land belongs to the Government or there is any other evidence to show that the land was acquired.

In the circumstances, the impugned action on the part of the respondent No.1 in seeking to assign the land is wholly without any authoritative power and jurisdiction.

Accordingly, the Writ petition is allowed. No costs.

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26-08-2004

kvrm/bss

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, The Chief Justice on this the Thursday the twenty sixth dayof August, two thousand and four.

To

1. Mandal Revenue Officer, R/M Nidamanoor,Nalgonda Dist.

2. 2 CC to GP for Revenue, High Court, of A.P. Buildings,Hyd.(OUT)

3. 2 CD copies